



ZONING BOARD OF ADJUSTMENT AND APPEALS

AGENDA REQUEST

AGENDA OF:	12-16-15	AGENDA REQUEST NO:	III-B
INITIATED BY:	MAYRA HERNANDEZ <i>MH</i> PLANNER I	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	MAYRA HERNANDEZ PLANNER I	PRINCIPAL PLANNER:	N/A
		CITY PLANNER:	DOUGLAS SCHOMBURG, AICP <i>D.S.</i>
SUBJECT / PROCEEDING:	SPECIAL EXCEPTION REQUEST FROM THE REAR YARD SETBACK REQUIREMENT IN THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT – 51 GREENLAW STREET COMMONWEALTH ESTATES SECTION ONE PUBLIC HEARING, CONSIDERATION AND ACTION		
EXHIBITS:	STAFF REPORT, VICINITY MAP, AERIAL MAP , SITE PLAN, ELEVATIONS, SITE PHOTOS, PLAT EXCERPT, APPLICATION, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	LISA KOCICH-MEYER, AICP <i>lem</i>
RECOMMENDED ACTION			
Approval of the requested special exception to allow the proposed addition to be constructed in accordance with the attached site plan and elevations.			
EXECUTIVE SUMMARY			
<p>This request is for a special exception to a required 30-foot rear yard setback in the Restricted Single-Family Residential (R-1R) Zoning District for a proposed patio cover addition to an existing single-family residence located at 51 Greenlaw Street. The property was platted in 1990 in the <i>Commonwealth Estates, Section One</i> subdivision. When the property was annexed into the City of Sugar Land in 1997, R-1R zoning was applied to the subdivision, which requires a 30-foot rear yard setback for primary structures.</p> <p>The deed restrictions state: No single-family residence shall be located on any interior lot nearer than fifteen (15') feet to the rear lot line, except where a garage is attached to the main structure of the residence in which case the rear wall of the living area shall not be nearer than fifteen (15') feet to the rear lot line, and the rear wall of the garage shall not encroach upon any easement. The recorded plat for Commonwealth Estates Section One established a 7' x 16' aerial easement as well as an 8-foot utility easement adjacent to the rear property line. Per Chapter 2, Article II, Section 2-72 of Sugar Land's Development Code, primary structures within the Restricted Single-Family Residential (R-1R) Zoning District are required to meet a rear yard setback of 30 feet. The proposed patio cover addition will connect the single-family residence to the detached garage. The</p>			

Development Code requires the detached garage, which is approximately set back 11 feet from the rear property line, to meet the 30 foot rear yard setback since it will be connected to the residence. Granting the special exception would relieve the 30-foot rear yard setback requirement for the primary structure, allowing the patio cover addition to be constructed as proposed.

CC: Jeff Frank Nadalo, jeff@buc-ees.com
Wayne Franks, wayne@outdoorhomescapes.com

Document No. 21120 Planning Case No. 15-00000178

EXHIBITS

STAFF REPORT

Request for a special exception to the Restricted Single-Family Residential (R-1R) District rear yard setback standards for 51 Greenlaw Street, Commonwealth Estates Section One.

Analysis of Special Exception – Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criterion One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1990

Annexed: 1997

Criterion Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The deed restrictions state: No single-family residence shall be located on any interior lot nearer than fifteen (15') feet to the rear lot line, except where a garage is attached to the main structure of the residence in which case the rear wall of the living area shall not be nearer than fifteen (15') feet to the rear lot line, and the rear wall of the garage shall not encroach upon any easement.

The proposed patio cover addition will connect the single-family residence to the detached garage. The Development Code requires the detached garage, which is approximately set back 11 feet from the rear property line, to meet the 30 foot rear yard setback since it will be connected to the residence. Granting the special exception would relieve the 30-foot rear yard setback requirement for the primary structure, allowing the patio cover addition to be constructed as proposed.

Criterion Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The recorded plat for Commonwealth Estates Section One established a 7' x 16' aerial easement as well as an 8-foot utility easement adjacent to the rear property line. The special exception will not grant a setback that is less restrictive than those established on the plat or in the recorded restrictions.

Criterion Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed special exception for key aspects:

- Public Safety Review: There do not appear to be any public safety issues associated with this request. Staff has not identified safety concerns as a result of the patio cover.
- Proposal and the Neighborhood – Rear Yard Setback Comparison: The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the surrounding area. Approximately seven homes within the immediate area do not meet the rear yard setback requirement of 30 feet and there has been one approved special exceptions for patio cover additions. The patio cover addition is in compliance with the deed restrictions and recorded plat.
- Proposal and the Neighborhood – General Architectural: The addition appears to be architecturally compatible with the existing single-family residence and neighborhood.

Conditions:

To ensure that the granting of a Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:

- *Impose reasonable conditions or restriction; and*
- *Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

Public Hearing Notice

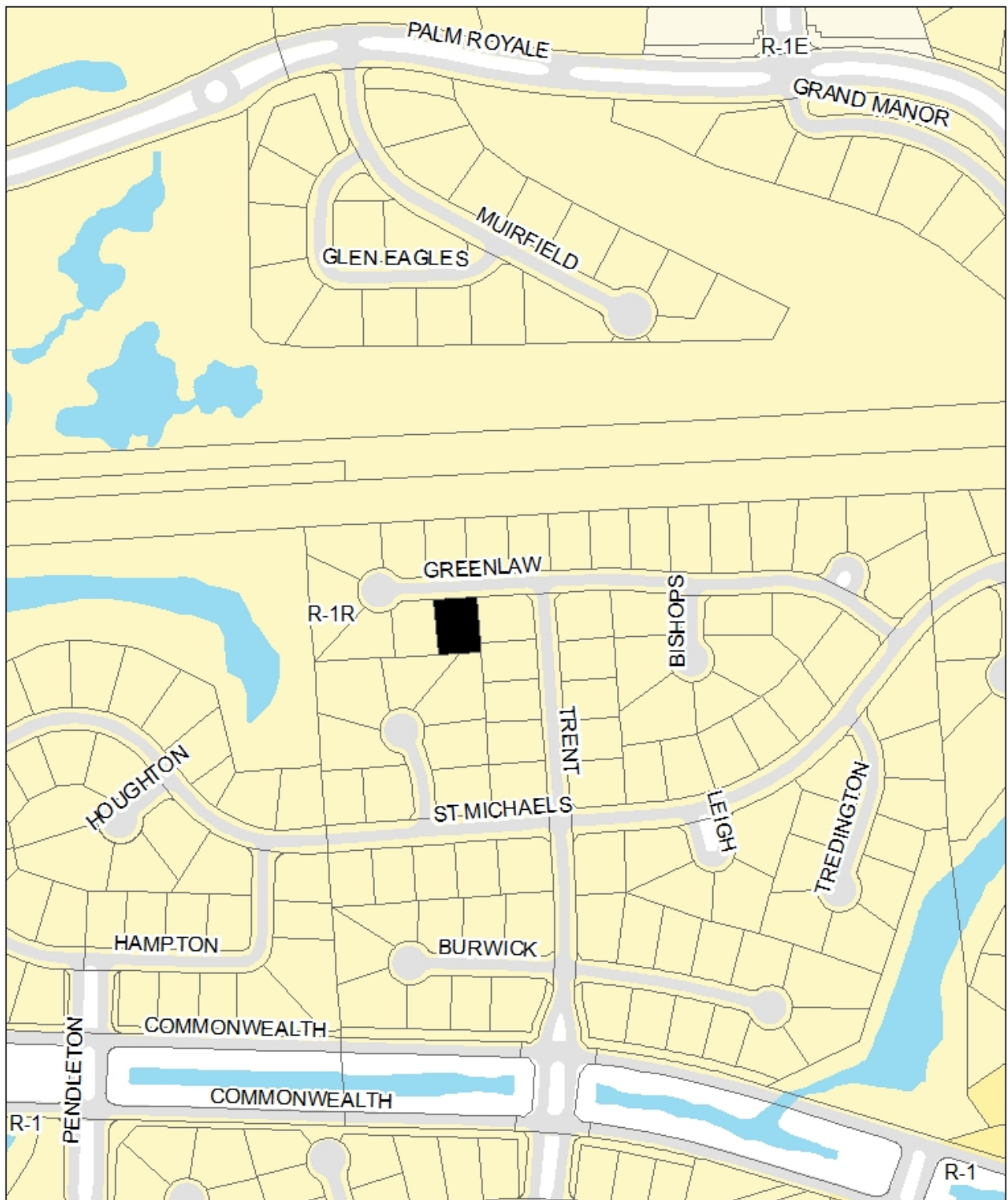
The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200-feet of the proposed site were notified and a courtesy sign was placed on site. At the time of writing this report, Staff has received three informational inquiries. Staff is not aware of any opposition to the special exception.

Staff Recommendation

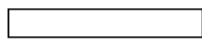
Staff recommends that the special exception be approved subject to the following conditions:

- Patio cover addition is constructed in accordance with the attached site plan
- Patio cover addition is constructed in accordance with the attached elevations

Vicinity Map



350



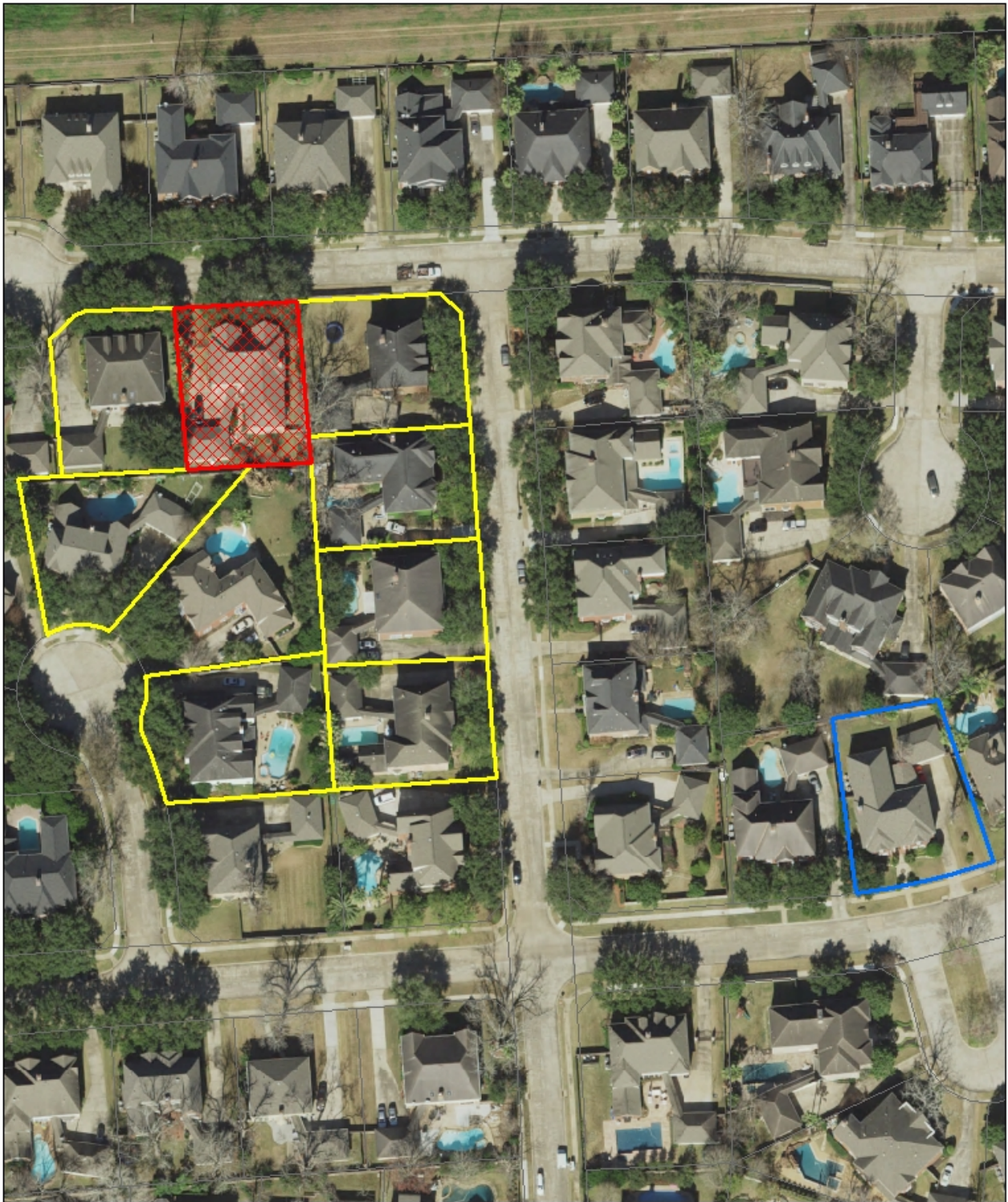
Feet



51 Greenlaw Street



Aerial Map



120



Feet



51 Greenlaw Street



Less than 30' Rear Yard Setback



Approved Special Exceptions



Survey

OF NO. CTH-BLF-CTT13621576JG CHICAGO TITLE
ADDRESS: 51 GREENLAW STREET
SUGAR LAND, TEXAS 77479
BORROWER: JEFF FRANK NADALO

LOT 14, BLOCK 2 COMMONWEALTH ESTATES, SECTION 1

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN SLIDE NOS. 1037/A AND 1037/B OF THE PLAT RECORDS
OF FORT BEND COUNTY, TEXAS

SCALE: 1" = 30'

GREENLAW STREET (50' R.O.W.)



PROPOSED PATIO
ROOF ADDITION

Jeff Nadaio
Patio Addition
51 Greenlaw St.,
Sugarland,
Tx, 77479

Detached Garage not
encroaching into aerial
easement per survey.

7' x 16' aerial easement &
8-foot utility easement

NO.	REVISED	DATE
1	10/1/2014	10/1/2014
2	10/1/2014	10/1/2014
3	10/1/2014	10/1/2014
4	10/1/2014	10/1/2014
5	10/1/2014	10/1/2014
6	10/1/2014	10/1/2014
7	10/1/2014	10/1/2014
8	10/1/2014	10/1/2014
9	10/1/2014	10/1/2014
10	10/1/2014	10/1/2014

John Cowes
jcowes74@msn.com

Outdoor Homescope

JEFF NADALO
51 Greenlaw St.
Sugarland TX 77479

DATE: 10/1/2014

TIME: 10:00 AM

1

Elevations



SIDE ELEVATION

NOTE: ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



REAR ELEVATION



SHORT WALL DETAIL

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/15/2024
2	FOR CONSTRUCTION	01/15/2024
3		
4		
5		
6		
7		
8		
9		
10		

DESIGNER John Cowles jcawes74@gmail.com	
FIRM Outdoor Homescapes	
PROJECT NAME JEFF NADA 0 51 Greenbush St Sugarland, TX 77479	
NO. SHEETS 10/10	SHEET NO. 10/10

Site Photographs

Public hearing sign in front of residence



Facing west towards the area of the patio cover addition



Site Photographs

Facing towards the area of the patio cover addition



Facing north towards the area of the patio cover addition



Site Photographs

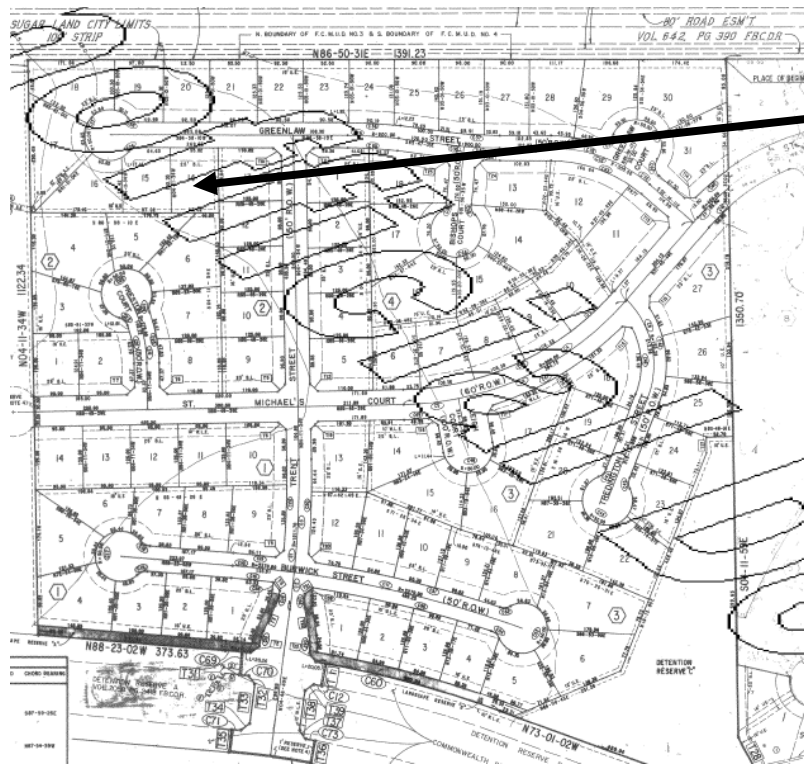
Facing south away from the area of the patio cover addition



Side perspective



Plat Excerpt



51 Greenlaw St.

ADDRESS: 51 GREENLAW STREET

PROPERTY IS PLATTED AS:

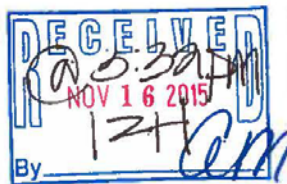
LOT 14 BLOCK 2, COMMONWEALTH ESTATES SECTION ONE

**RECORDED IN INSTRUMENT NUMBER 11725340, AND SLIDE NUMBER 01037A F.B.C.P.R.
(RECORDED IN 1990)**

Application



SPECIAL EXCEPTION REQUEST APPLICATION



FOR OFFICE USE (Rev. 1/1/15) Accounting Code: ZC 2015 Fee: \$585 Fee Required 585 Case No. 15-0000078

Return Your Submittal To Development Planning (Attn: Development Review Coordinator)
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, Tx 77479, Phone#: (281) 275-2218

Please contact development planning staff to discuss your proposal prior to submitting a special exception application.
Special Exception Submittal Requirements:

Applications submitted without the following items will not be routed for review

- One (1) Completed Application
- Submittal Fee
- One (1) Copy of the recorded plat of the property
- One (1) Copy of the recorded covenants and restrictions for the property
- One (1) legible copy of site plan / plot plan (sealed/dimensioned drawing showing location of proposed construction) on 24" x 36", 11"x17", or 8 1/2" x 11"
- Building elevations for proposed construction

ALL FIELDS MUST BE COMPLETED.

SITE ADDRESS 51 Greenlaw Street, Sugar Land, TX 77479

Legal Description Commonwealth Estates - Section 1 2 14
Subdivision Name Block Lot

CONTACT INFORMATION

Project Representative: ☐ Architect ☐ Engineer ☒ Other: Contractor

Contact Person Wayne Franks

Company Outdoor Homescapes of Houston

Address 12802 Highland Hills Drive, Cypress, TX 77429

Phone 713-569-1341 Email wayne @outdoorhomescapes.com

This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.

X Wayne Franks 11/16/15
Project Representative's Signature Date

Property Owner (Please Note - the Property Owner's Information Must be provided):

Name Jeff Frank Nadalo

Address 51 Greenlaw Street, Sugar Land, TX 77479

Phone 979-308-7872 Email jeff@buc-ees.com

Property Owner's Authorization:

I am the owner of the property for which this Special Exception application is being made. I authorize
Wayne Franks (Project Representative) *to submit this application and*
to correspond with the City of Sugar Land regarding this application on my behalf.

X Jeff Nadalo 11/16/15
Property Owner's Signature (Required) Date

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.

For submittal deadlines and the Special Exception schedule, please see the *Development Application Handbook* on the Planning Department Page at www.sugarlandtx.g

Public Hearing Notice



**NOTICE OF PUBLIC HEARING
SPECIAL EXCEPTION REAR YARD SETBACK
51 GREENLAW STREET**

Zoning Board of Adjustment Public Hearing 5:00 p.m., December 16, 2015, City of Sugar Land City Council Chamber, 2700 Town Center Boulevard North to hear all persons interested in the proposed Special Exception to the Rear Yard Setback for 51 Greenlaw Street, Lot 14, Block 2, Commonwealth Estates Section One, in the Restricted Single-Family Residential (R-1R) District.

City of Sugar Land City Council Chamber, 2700 Town Center Boulevard North. Details of the proposed Special Exception may be obtained by contacting City of Sugar Land Development Planning Office by email planning@sugarlandtx.gov or phone (281) 275-2218. The agenda item for this meeting will be placed on the City website at www.sugarlandtx.gov under "Meeting Agendas, Minutes, and Videos" Zoning Board of Adjustment no later than Friday, December 11, 2015.